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05 UNITED STATES DISTRICT COURT
06 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

07 TERESA D. WINANS,)
08 Plaintiff,) CASE NO. C11-1854-TSZ
09 v.)
10 MICHAEL ASTRUE,) REPORT AND RECOMMENDATION
Commissioner of Social Security,)
11 Defendant.)
12 _____)

13 Plaintiff brought this action to seek judicial review of the denial of her application for
14 Disability Insurance Benefits and Supplemental Security Income by the Commissioner of the
15 Social Security Administration. The parties have now stipulated that this case should be
16 reversed and remanded pursuant to sentence four of 42 U.S.C. § 405(g). (Dkt. 18.)

17 Based on the stipulation of the parties, the Court recommends that this case be
18 REVERSED and REMANDED for further administrative proceedings. The parties have
19 stipulated that, on remand, the Administrative Law Judge (ALJ) will provide a *de novo* hearing
20 and a new decision pursuant to sentence four of 42 U.S.C. § 405(g). Plaintiff may testify,
21 submit additional evidence, and make new arguments at the hearing. The ALJ shall make a
22 new, full sequential disability evaluation, including re-evaluating plaintiff's impairments,

01 credibility, residual functional capacity, and ability to perform work at steps four and five of the
02 sequential evaluation process. As part of this evaluation, the ALJ shall consider and evaluate
03 the medical evidence in the record, specifically evaluating the evidence to reassess the severity
04 of plaintiff's mental impairments at step two. The ALJ shall evaluate all the medical and other
05 source evidence, including the opinions of Dr. Cynthia Curnan, Dr. Jeffrey Nelson, Dr. Stan
06 Baxter, and the other source evidence from Diane Thiel, LSW, and Beth Bentley, and if he
07 rejects any opinions or evidence, shall provide legally sufficient reasons. If necessary, the ALJ
08 should also seek the testimony of a medical expert with expertise in either psychology or
09 psychiatry. The ALJ shall also re-evaluate plaintiff's residual functional capacity and ability
10 to perform work at steps four and five and, if necessary, obtain supplemental vocational expert
11 testimony to assist in determining the affect that plaintiff's limitations (including mental
12 limitations) would have on her ability to perform work related activities. Upon proper
13 presentation, plaintiff may be entitled to reasonable attorney's fees, expenses, and costs
14 pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412(a), (d).

15 Given the above, the Court recommends that United States District Judge Thomas S.
16 Zilly immediately approve this Report and Recommendation and order the case REVERSED
17 and REMANDED for further administrative proceedings. A proposed order accompanies this
18 Report and Recommendation.

19 DATED this 22nd day of March, 2012.

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21 Mary Alice Theiler
22 United States Magistrate Judge